ORIGINAL

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

State of Illinois
Department of Transportation,
Petitioner,

Toledo, Peoria and Western Railway Co. (TP&W) and the City of Watseka Respondents.

Petition (1) to install a pre-signal on the northbound approach of IL 1 of the at-grade crossing of TP&W's single main line track, (2) to interconnect the newly installed traffic signals at the intersection of IL 1 and U.S. 24 with the railroad warning devices at the IL 1 at-grade crossing of the TP&W single main line track and (3) to establish the amount of minimum preemption time provided by TP&W to the Department for the traffic signal preemption sequence at said intersection, located in Watseka, Illinois.

)Docket No. T00-0082

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RESPONSE TO PETITION FOR FOURTH SUPPLEMENTAL ORDER

NOW COMES State of Illinois, Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General for the State of Illinois, and as its Response to the Petition For Fourth Supplemental Order filed by the Toledo, Peoria & Western Railway on or around September 16, 2004, the Department states it has no objection to the relief sought therein.

WHEREFORE, State of Illinois, Department of Transportation has no objection to the Petition For Fourth Supplemental Order and requests that no hearing be held in this regard.

Respectfully submitted, ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan Attorney General

By: Stacey C. Hollo

Special Assistant Attorney General

Dated: October 4, 2004

Illinois Department of Transportation 2300 South Dirksen Parkway, Rm. 300 Springfield, Illinois 62764

Telephone (217)782-0692

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

State of Illinois Department of Transportation, Petitioner, v.)))
Toledo, Peoria and Western Railway Co. (TP&W) and the City of Watseka Respondents.)) Docket No. T00-0082))
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NOTICE OF FILING

TO: Michael Hainds, TP&W Arthur T. Horner, Mayor Diane Tegtmeyer, City Clerk

PLEASE TAKE NOTICE that I have this 4th day of October 2004, forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Petition For Fourth Supplemental Order, a copy of which is attached hereto and hereby served upon you.

Stacey C. Hollo

Special Assistant Attorney General

2300 South Dirksen Parkway

Room 300

Springfield, Illinois 62764

(217) 782-0692

Counsel for the Illinois

Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 4thday of October 2004:

Stacy C. Hollo

Michael S. Hainds Toledo, Peoria & Western Railway 1990 E. Washington Street East Peoria, IL 61611

Arthur T. Horner, Mayor City of Watseka 231 E. Oak Street Watseka, IL 60970-1345

Diane Tegtmeyer City Clerk 231 E. Oak Watseka, Illinois 60970